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10/035,644	12/28/2001	Gordon Haggott Beckhart	MCT-0103	4114

7590

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EXAMINER

TRAN, KHOA H

ART UNIT

PAPER NUMBER

3634

DATE MAILED: 08/01/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/035,644

Applicant(s)

BECKHART ET AL.

Examiner

Khoa Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 26 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-3 and 5-9 is/are allowed.
- 6) ☒ Claim(s) 4,10,13-15,17 and 18 is/are rejected.
- 7) ☒ Claim(s) 11,12 and 16 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 26 June 2003 is: a) ☐ approved b) ☒ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_.

The request filed on June 26, 2003 for a Request for Continued Examination (RCE) under 37 CFR 1.114 based on parent Application No. 10/035,644 is acceptable and an RCE has been established as follows.

### ***Drawings***

The proposed drawings correction and/or the proposed substitute sheets of drawings, filed on June 26, 2003 have been disapproved because they introduce new matter into the drawings. 37 CFR 1.121(f) states that no amendment may introduce new matter into the disclosure of an application. With respect to Figure 1, the added material of square elements, referenced by numeral 38L, constitute new matter because the original disclosure does not support the showing of a plurality of square elements in the interior FOUP.

With respect to applicants' remarks on page 7 that a marked up copy of Figure 3 has been filed with the response showing the feature that is objected to in claim 7, it should be noted that no drawing of Figure 3 is found with the response. Applicant is requested to resubmit the proposed corrections for the examiner's review.

The drawings are still objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, "an exterior partial S-shaped cutout" in claim 7 and "the plurality of retention springs is designed to mate with a lip of a front opening unified pod" in claim 12 must be shown or the features canceled from the claims. Further, it is noted that the rightmost hole in Figure 2 is

identified by "58" at the top, but reference by "56" elsewhere. It appears that this hole should be --56-- as well. Correction is required.

Applicant is required to submit a proposed drawing correction in reply to this Office action.

### ***Specification***

The amendment filed June 26, 2003 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material of a reference numeral "38L" constitutes new matter because the original drawings do not support a reference numeral 38L that referencing numerous square elements in the interior FOUP. Applicant is required to cancel the new matter in the reply to this Office Action.

### ***Claim Objections***

Claim 7 is objected to because "5-shaped cutout" should be --S-shaped cutout--. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10, 13, 14, 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nyseth ('082) in view of Fosnight et al. Nyseth ('082) discloses a semiconductor cassette reducer comprising: a semiconductor cassette reducer (50) adapted to be mated with a front opening of a unified pod (52), the semiconductor cassette reducer comprises a first substantially U-shaped plate (76), a second substantially U-shaped plate (74), a first wafer support panel and a second wafer support panel attached to the first and second substantially U-shaped plate (74), see Figure 8. Nyseth ('082) does not teach the U-shaped plate defining a pair of arms. However, Fosnight et al. teaches the semiconductor cassette reducer having the U-shaped plate that defining a pair of arms with a pair of cutout on the opposite side of each other near the distal end of the respective arm, see Figure 5B, and the distance from the distal ends of the cassette reducer to the base or rear of the cassette reducer is less than a diameter of the wafer. See Figure 2. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the semiconductor cassette reducer of Nyseth ('082) with the provisions of the U-shaped plate that has a pair of arms and has a distance less than a diameter of the wafer as taught by Fosnight et al. in order to save in manufacturing cost because the U-shaped defining arms plates with a smaller diameter would require less material to manufacture than the larger planar U-shaped plate thus producing no unexpected results.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nyseth ('082) in view of Fosnight et al. as applied to claims 10, 13, 14, 17 and 18 above, and

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further in view of Tseng. Nyseth ('082) does not teach the rear supporting columns for supporting the rear end of the wafers. However, Tseng teaches the rear supporting columns (42, 44) for supporting the rear end of the wafers. See Figures 2 and 3. It would have been obvious to one of ordinary skill in the art to provide the modified cassette reducer of Nyseth ('082) with the provisions of rear supporting columns as taught by Tseng in order to support the rear end of the wafers and to prevent the wafers from sliding out of the interior cavity of the cassette reducer.

***Allowable Subject Matter***

Claims 1-3 and 5-9 are allowed

Claims 11 and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 12 is objected to as being dependent upon a rejected base claim.

Claim 4 is objected to as being dependent upon a rejected base claim and it would be allowable if rewritten to overcome the rejection under 35 U.S.C. 112, first paragraph, set forth in this Office action.

The following is a statement of reasons for the indication of allowable subject matter:

Claims 1-9, 11, 12, and 16 are allowable because there is no prior art that teaches or suggests a semiconductor cassette reducer having "more than two retention

springs attached to the first substantially U-shaped plate" (see claim 1, lines 8-9, and claim 11), and there is no teaching or suggestion of a semiconductor cassette reducer having a first substantially U-shaped plate that has a plurality of flexible disks, see claim 16.

### ***Response to Amendment***

Applicants' arguments with respect to claims 10, 13-15, 17 and 18 have been considered but are moot in view of the new grounds of rejection.

With respect to applicants' allegations that Nyseth ('082) fails to teach a semiconductor cassette reducer and the examiner has ignored the language calling for a semiconductor cassette reducer, these allegations are not deemed to be persuasive to overcome the rejections of record. It should be noted that the mere use of a unique terminology by applicants will not preclude the prior art structure from reading on the structure of the claimed invention, especially when the claim defining the structure is met by the prior art, i.e., the prior art "reads on" the claims. It appears that applicants are relying upon the specification to impart the claims limitations otherwise not recited therein. This reliance is ineffective. Further, patentability of a device is based on what it is and not how it is intended to be used.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khoa Tran whose telephone number is (703) 306-3437. The examiner can normally be reached on Monday through Thursday from 8:30 A.M. to 7:00 P.M.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola, can be reached on (703) 308-2686. The fax phone number for this Group is (703) 305-3597 or (703) 305-3598.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-2168.

Khoa Tran

7-09-03

A handwritten signature in black ink that reads "Daniel P. Stodola". The signature is written in a cursive style with a large, looped initial "D".

DANIEL P. STODOLA  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600